

NIH Labor-Management Partnership Council Meeting Minutes Monday, November 25, 2002

Attendees: Ed Burns, Howard Hochman, Charles Palmer, Linda Tarlow, Rick Gomez, Leonard Taylor, Richard Laubach, Richard Fields, Clyde Bartz, Arturo Giron, Tony Clifford, Rita Sweeney, Helene Noble, Paul Donaldson, and Barry Kevin.

Facilitator: Fern Kaufman.

Old Business: Minutes of the October 16, 2002 meeting were reviewed and approved.

New Business

A-76 update: Mr. Rick Gomez, Commercial Activities Office, Division of Management Support (DMS), OD, recorded questions from the Council due to Mr. Wheelles and Mr. Fitzpatrick not being able to attend. The following questions and statements were submitted regarding A-76 related issues:

1. What year will the Fire Protection review falls under; FY02, 03 or 04?
2. Will the studies currently being conducted continue under existing A-76 guidelines or will they be put on hold until after 1/1/03, then, completed when the new rules are in place?
3. Clarification was sought regarding how a group of current NIH employees can make a bid proposal. How does it work? Will NIH offer assistance in creating these bid packages?
4. Will the unions be allowed to sit in on both the drafting of the Performance Work Statement and the review process? With the understanding that the same person cannot be involved in both processes.
5. How much specific information in cost comparisons will be shared with the unions? They are requesting itemized information. If the A-76 guidelines do not allow for sharing specific information, then union representatives present said that they would pursue information via the guidelines and rules allowed through the Partnership agreement.
6. Union representatives are requesting a listing of what NIH functions are currently under review and what the current status or progress (% of completion) is.
7. Is NIH or the Commercial Activities Steering Committee proposing to comment on changes in the A-76 rules, currently in the 30-day public comment phase, in the Federal Register?

8. Are there any changes in the new rules regarding the streamlined cost-comparison process?
9. Is the NIH prepared to offer a stress management benefit to employees undergoing the review process?
10. Will the NIH clarify and define Secretary Thompson's "no jobs will be lost" pledge as it relates to A-76?

Concerning the A-76 Town Hall meeting that was held on November 21, 2002, a general comment was made by Ed Burns of AFGE that his union is disappointed that they had submitted 10 questions and had to prompt the presenters to respond to the questions. Even then, he thought the answers did not fully address the issues raised in the questions. In addition, the lack of credit regarding authorship of the questions was detrimental in showing the union members that their representatives were looking after their interests. Specifically, what they were looking for was a "The following question was submitted by AFGE." type lead-in to their questions.

Joint A-76 Training was also discussed. The plan is to conduct training for Labor Relations staff, Union representatives and A-76 contractor. The tentative date is in December, but that may shift. AFGE would like the A-76 specialist from their national office to be able to come and speak to their bargaining unit employees.

Police Officer Bartz noted that the poster advertising the ORS Town Hall meeting did not have an image or symbol representing the police officers. Last year the same omission was pointed out and Mr. Ficca promised that it would be corrected this year, but was not.

Updating and Signing a New Partnership Agreement: Fern Kaufman facilitated a discussion on updating the latest agreement, which expired in September of 2001. The following changes to the existing document were recommended and agreed to:

- Removal of the reference to Executive Order 12871.
- Under Purpose, change "...promote a new relationship..." to "...promote an improved relationship..."
- Under Objectives, change the opening paragraph to read: "To involve Management and Union representatives as equal partners and to openly share information at the earliest pre-decisional stage regarding significant personnel policies, practices and conditions of employment."
- Under Guidelines, item 4., change "Partnership" to "Cooperation".

A discussion ensued concerning the overall relationship between the members of the council. Mr. Leonard Taylor said he viewed the relationship, as one that is inherently adversarial and that perhaps our goal should be to foster cooperation. Mr. Ed Burns noted that it is adversarial when conducting negotiations, but once an agreement is in place the relationship should shift to one based on cooperation. Fern made the point that the Federal Labor Relations Authority views the "Partnership Council" model as non-adversarial.

Council Membership – The current agreement identifies 4 members from management and 4 from the union, with a representative from the Federal Managers Association formally recognized. Mr. Richard Laubach stated that 4 union representatives should be balanced against 4 management officials, but that the representative from the Federal Managers Association should count as one on the management side. Mr. Howie Hochman objected to that interpretation of his role. He is there to represent Managers as an employee group, not as a “management official”. Mr. Laubach does not view it that way, and recommended that Randy Schools, the Recreation & Welfare (R&W) manager be a candidate to represent all the other employees not represented by a union. Many of those present did not think this was appropriate, but the council tasked Mr. Barry Kevin to invite Mr. Tim Tosten to the next meeting to discuss Mr. Schools’ contract and the services he provides to NIH R&W under that contract.

The unions (4) will each provide a representative. Management will also provide 4 members to include the representative to the HHS Cooperation Council, the Director of the NIH Office of Human Resources, and two management officials from NIH organizations with union workers. Unable to introduce names, the members on the management side will confer and prepare a list of management members for the next meeting. Mr. Leonard Taylor noted that the management members would be assigned ex-officio.

Decision Making- there was a discussion that decisions would be by “consensus”. If one member did not agree, while all others agreed, the decision would not be approved. Time ran out for this month’s meeting, and the discussion of this topic was not concluded. The Partnership Agreement discussion will be continued at a later meeting.